

# Wetlands Bureau Decision Report

Decisions Taken  
04/13/2009 to 04/19/2009

## **DISCLAIMER:**

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

## **APPEAL:**

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 30 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Lawrence E. Morse, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

## MAJOR IMPACT PROJECT

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**2008-00564                      SUSI, MICHAEL & JODELL**  
**MOULTONBOROUGH   Lake Winnepesaukee**

### Requested Action:

Reaffirm denial to fill 700 sq ft to construct 48 linear ft of breakwater, in an "I" configuration, with a 6 ft gap at the shoreline, and a 4 ft x 30 ft cantilevered pier with a 6 ft x 30 ft piling supported dock connected in a "U" shaped configuration by a 6 ft x 24 ft walkway, dredge 6 cubic yards from 325 sq ft of lakebed on an average of 97 ft of frontage on Lake Winnepesaukee, Wolfeboro.

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### Conservation Commission/Staff Comments:

No comments from Con Com by July 11, 2008

Inspection Date: 07/18/2008 by Chris T Brison

### DENY RECONSIDERATION:

Fill 700 sq ft to construct 48 linear ft of breakwater, in an "I" configuration, with a 6 ft gap at the shoreline, and a 4 ft x 30 ft cantilevered pier with a 6 ft x 30 ft piling supported dock connected in a "U" shaped configuration by a 6 ft x 24 ft walkway, dredge 6 cubic yards from 325 sq ft of lakebed on an average of 97 ft of frontage on Lake Winnepesaukee, Wolfeboro.

### With Findings:

1. RSA 482-A:11, II expressly states that the Department "before granting a permit...may require reasonable proof of ownership by a landowner- applicant".
2. The applicant has not provided authorization from the balance of the landowners.
3. DES has on record objections from other joint tenants in common of the subject property.
4. RSA 482-A:10, provides a "takings" and "damages" clause to redress harm to the landowner or landowners.
5. Pursuant to RSA 482-A:10 provides that "the court shall first determine all questions of land title, after notice to all persons interested in the land, including notice by publication to any unknown owners, and then shall assess the damages of the landowner or landowners ..."
6. RSA 482-A:11, II provides that "Before granting a permit under this chapter, the department may require reasonable proof of ownership by a private landowner-applicant. If a permit is granted, the decision of the department may contain reasonable conditions designed to protect the public good. No permit to dredge or fill shall be granted if it shall infringe on the property rights or unreasonably affect the value or enjoyment of property of the abutting owners."
7. After the "proof of reasonable ownership" within the statute, it provides that DES shall not grant a permit if it shall infringe on the property rights or unreasonably affect the value or enjoyment of property of abutting landowners.
8. Given the context and the provisions of RSA 482-A:10, the legislature intended for all landowners to be included in the permit application process.
9. Env Wt 402.17 Ownership provides that (a) An applicant for a shoreline defined as major shall be the owner in fee of the affected frontage, unless the applicant has leased the property from the state pursuant to RSA 228:57-a.
10. Ms. Susi seeks a waiver of the Ownership rule.
11. Ms. Susi sought a waiver of the rule based on the significant economic hardship associated with the design and consulting services in reliance on the lack of the Peabody's objection.
12. Env Wt 204.04(2)b provides that "Strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant."
13. The appellant's waiver request does not explain how compliance with the rule, namely the requirement that the applicant to include all fee owners - would provide no benefit to the public.
14. Granting this waiver would be inconsistent with RSA 482-A and Env Wt 204.04(b).
9. Env Wt 204.04 provides that

**2008-01400                      BENTON, THOMAS**  
**WOLFEBORO   Unnamed Wetland**

Requested Action:

Repair an existing "L" shaped 55 ft breakwater to previously permitted dimensions, add a 4 ft x 27 ft piling supported finger dock, add 3 tie off piles, dredge 2 cubic yards from 150 sq ft of lakebed, reduce an existing landing to 10 ft x 6 ft dimensions, rip rap 150 linear feet of shoreline and stabilize 150 feet of shoreline with bio-stabilization methods, install 335 ft of culvert and outflow structure on an average of 150 ft of frontage on Lake Winnepesaukee, Wolfeboro.

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Conservation Commission/Staff Comments:

Con Com recommends the shoreline be kept as natural as possible

APPROVE PERMIT:

Repair an existing "L" shaped 55 ft breakwater to previously permitted dimensions, add a 4 ft x 27 ft piling supported finger dock, add 3 tie off piles, dredge 2 cubic yards from 150 sq ft of lakebed, reduce an existing landing to 10 ft x 6 ft dimensions, rip rap 150 linear feet of shoreline and stabilize 150 feet of shoreline with bio-stabilization methods, install 335 ft of culvert and outflow structure on an average of 150 ft of frontage on Lake Winnepesaukee, Wolfeboro.

With Conditions:

1. All work shall be in accordance with plans by White Mountain Survey Co revision dated December 26, 2008, as received by DES on February 06, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
4. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
5. The repairs shall maintain the size, location and configuration of the pre-existing structures.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. This permit does not allow for the temporary stockpile of rip rap material in any areas of the Departments jurisdiction.
8. Rip rap shall not extend up slope more than 4 feet in elevation from full lake elevation of 504.32 or lakeward more than 2 feet from full lake elevation.
9. Work shall be done during low flow.
10. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. This permit does not allow for the removal of any trees or stumps from the frontage.
12. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
13. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
14. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This project is classified as a major project per Rule Env-Wt 303.02(j), construction or modification of a breakwater.
2. The applicant has an average of 150 feet of shoreline frontage along Lake Winnepesaukee.
3. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.13 Frontage Over 75'.
4. The proposed docking facility will provide 2 slips as defined per Rule Env-Wt 101.09 Boat slip, and therefore meets Rule Env-Wt 402.13.
5. Public hearing is waived based on several field inspections by NH DES staff, with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.
6. Several field inspections found no obvious evidence of sand migration along this shoreline.
7. The proposed drainage structures are necessary to correct erosion and slope failure problems along the frontage.

-Send to Governor and Executive Council-

**2008-01818                      DURHAM, TOWN DPW**  
**DURHAM    Lamprey River**

**Requested Action:**

Dredge and fill a total of 5,724 sq. ft. of river and bank impacts to construct a freespan bridge as replacement for the previous Wiswall Bridge over the Lamprey River, including: a)3,855 sq. ft. (approximately 120 linear ft.) of temporary impact including removal of the existing piling structure from the center of the river to restore full stream flow; construction of two temporary closed cell coffer dams for construction of crane access bridge; and construction of access ramp on riverbank; and  
b)1,868 sq. ft. (approximately 180 linear ft.) of permanent impact for construction of bridge abutments and installation of protective shoreline and abutment toe rip rap.

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Inspection Date: 02/17/2009 by Dori A Wiggin

**APPROVE PERMIT:**

Dredge and fill a total of 5,724 sq. ft. of river and bank impacts to construct a freespan bridge as replacement for the previous Wiswall Bridge over the Lamprey River, including: a)3,855 sq. ft. (approximately 120 linear ft.) of temporary impact including removal of the existing piling structure from the center of the river to restore full stream flow; construction of two temporary closed cell coffer dams for construction of crane access bridge; and construction of access ramp on riverbank; and  
b)1,868 sq. ft. (approximately 180 linear ft.) of permanent impact for construction of bridge abutments and installation of protective shoreline and abutment toe rip rap.

**With Conditions:**

1. All work shall be in accordance with plans and narrative materials by CLD Engineering Inc. dated 2/26/2009, as received by DES on 3/2/2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Pursuant to the recommendations of NH Fish and Game Department, the following conditions shall be required, to protect fish, shellfish, amphibians, reptiles and wildlife species of concern:
  - a. Drawdown of the impoundment of the Lamprey River upstream of the Wiswall Dam for bridge construction shall occur no earlier than middle to late August, and no later than October 1.
  - b. The dewatering shall occur very slowly, to allow fish, shellfish, amphibians, reptiles and wildlife to adjust to the change in water levels.
  - c. The construction shall be phased so that work is being completed and/or staged as the water levels are receding or refilling. This shall occur so that when the impoundment has been dewatered there are very few days of work needed at the lowest river level before rewatering of the impoundment can start.
  - d. Stream flows above and below the dam shall be maintained throughout the project construction phases and rewatering of the impoundment shall follow the commonly used guideline of storing 10% while releasing 90% of the inflow once low-level construction is completed, to assure downstream riverine habitat is maintained for fish and wildlife.
  - e. The rewatering process shall start no later the middle of February.
  - f. The utmost precautions shall be taken to ensure that there is no siltation produced by the project present in the river during the period of time when rainbow smelt are present, and later spawning, specifically at the head of tide from mid-December through April.
4. The methods of in-river work chosen for equipment access and construction procedures shall represent the alternative(s) which result in the least in-river environmental impact practicable.
6. A post-construction survey of the Knotty Pondweed community shall be conducted by the applicant in coordination with the NH Natural Heritage Bureau during the first possible season appropriate to such a survey. The results of the survey shall be reported to DES within 30 days of the completion of the survey.
7. Placement of fill for the temporary construction access "causeway" shall be confined to the riverbank/ wetland margin at the edge of the river, and not extend riverward of the limit of the existing roadbed abutment.
8. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
11. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed according to the restrictions specified by NHFG in conditions 3a.- 3f. above.
12. Temporary cofferdams shall be entirely removed immediately following construction, in accordance with the timing restrictions stated above.
13. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
14. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
15. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
16. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
17. Faulty equipment shall be repaired prior to entering jurisdictional areas.
18. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
19. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(i), projects that disturb more than 200 linear feet of a perennial stream.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The new bridge will replace the previous bridge, which was severely damaged in the May 2006 flood event, and will also remove the central pier structure from the river, restoring the full channel flow width at that location.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The new bridge will be a free span bank to bank supported by new, stable abutments. Temporary access is limited to access fill in the bank/wetland river edge, and the closed cell cofferdam support temporary bridge structures necessary to provide access to large cranes, and all will be removed immediately after completion of the project.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a)Requirements for Application Evaluation, has been considered in the design of the project. The species of concern reported by the NH Heritage Bureau ("NHB") have been addressed through coordination with the NHB for follow-up post-construction survey; NH Fish and Game Department ("NHFG") has determined that there should be no impacts to the noctid moth, pink sallow, Blandings, spotted, or wood turtles as a result of the project; and further fisheries, shellfish, amphibian or wildlife concerns expressed by NHFG Marine Fisheries Division have been addressed by incorporation of that agency's recommendations into permit conditions. This incorporation of NHFG's recommendations into conditions also addresses the fisheries concerns reported by NOAA/NMFS.
6. The concerns of Durham Conservation Commission have been addressed in the applicant's submission received on 3/2/2009.
7. The concerns of the Lamprey River Advisory Committee that are within the scope of the review of the wetlands bureau have been addressed in the applicant's submission received on 3/2/2009.
8. DES Staff conducted a field inspection of the proposed project on 2/17/2009 to discuss minimization of the construction access structures, the results of which the applicant has incorporated into the design.
9. Pursuant to Env-Wt 302.03, compensatory mitigation is not required for this project, as it involves reconstruction of existing roadway infrastructure with permanent impacts that do not exceed the threshold for minor projects; and further involves removal of existing unnecessary bridge support structure from the center of the river, thereby re-establishing the full stream channel.

Requested Action:

Re-establish an existing town sloped beach by constructing 118 linear feet of retaining wall to construct a 2130 sq ft perch the beach with 80 cubic yards of sand, install two, 36 inch culverts on the northern end of the bridge, stabilize 105 sq ft on the western bank of the road on Bow Lake, Northwood.

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Conservation Commission/Staff Comments:

No comments from Con Com by December 17, 2008

APPROVE PERMIT:

Re-establish an existing town sloped beach by constructing 118 linear feet of retaining wall to construct a 2130 sq ft perch the beach with 80 cubic yards of sand, install two, 36 inch culverts on the northern end of the bridge, stabilize 105 sq ft on the western bank of the road on Bow Lake, Northwood.

With Conditions:

1. All work shall be in accordance with plans by Underwood Engineering Inc dated September 2008, as received by DES on January 14, 2009.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
3. Work shall be done during drawdown.
4. Work shall be done during low flow.
5. Dredged and excavated material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. The steps installed for access to the water shall be located completely landward of the location of the wall.
10. No more than 80 cu yd of sand may be used and all sand shall be located above the normal high water line.
11. This permit shall be used only once, and does not allow for annual beach replenishment.
12. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
13. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
14. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(o), construction or replenishment of a beach that does not meet the criteria for minimum impact under Env-Wt 303.04(d) or Env-Wt 303.04(aa), or minor impact under Env-Wt 303.03(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The proposed project is the restoration of a town beach which has been damaged several different times by storm events. The construction of a perched beach will mitigate some of the possible storm events and prevent sand from being washed into Bow Lake.
4. The applicant previously attempted to stabilize the site with less impacting alternatives under file 2006-01267 which have since failed to be effective.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project.
6. DES Staff conducted a field inspection of the proposed project several times since 2006. Field inspection determined the proposed project is the less impacting alternative for this location.
7. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of Bow Lake, as identified

under RSA 482-A:1.

**2008-02221                      PORTLAND PIPE LINE CORPORATION**  
**JEFFERSON   Stag Hollow Brook**

**Requested Action:**

Confirm emergency authorization issued on October 22, 2008 to stabilize stream bed and bank adjacent to a concrete spillway that protects existing crude oil supply pipes. Work was needed to address current DES Dam Bureau requirements and prevent possible failure or damage to existing crude oil supply pipes due to the eroded channel. The design of the work was also to address concerns of DES Watershed and DES Wetlands regarding historic impacts to aquatic organism passage. Total impacts are 4400 sq. ft. of which 3200 sq. ft. (80 linear feet) was in the stream channel to build four boulder "steps" and associated scour pools (the surface drop at each step was approximately 15") and 1200 sq. ft. was rip-rap of the streambanks (both streambanks were rip-rapped for 60 linear feet; 120 linear feet total). The steps were designed to provide maximum aquatic passage and restore the ability of Brook Trout to migrate upstream across the pipeline crossing.

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**APPROVE PERMIT:**

Confirm emergency authorization issued on October 22, 2008 to stabilize stream bed and bank adjacent to a concrete spillway that protects existing crude oil supply pipes. Work was needed to address current DES Dam Bureau requirements and prevent possible failure or damage to existing crude oil supply pipes due to the eroded channel. The design of the work was also to address concerns of DES Watershed and DES Wetlands regarding historic impacts to aquatic organism passage. Total impacts are 4400 sq. ft. of which 3200 sq. ft. (80 linear feet) was in the stream channel to build four boulder "steps" and associated scour pools (the surface drop at each step was approximately 15") and 1200 sq. ft. was rip-rap of the streambanks (both streambanks were rip-rapped for 60 linear feet; 120 linear feet total). The steps were designed to provide maximum aquatic passage and restore the ability of Brook Trout to migrate upstream across the pipeline crossing.

**With Conditions:**

1. Any future work that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
2. Headwaters Hydrology, PLLC shall monitor the site over the next three years and submit annual monitoring reports to the Department assessing the long-term stability of the stream channel (streambed aggradation or degradation, and changes in stream channel type). If additional work or design changes are needed the project engineer shall contact the Department.

**With Findings:**

1. This project is classified as a major impact project per Env-Wt 303.02 (i) Projects that alter the course of or disturb 200 or more linear feet of an intermittent or perennial nontidal stream or river channel or its banks.
2. The project was necessary to prevent damage to the crude oil pipelines by preventing further streambed degradation.
3. The crude oil pipelines were constructed in 1951.
4. The Department approved repairs at the same location in 1999 (Wetlands file 1999-1479) that did not include methods for improved aquatic organism passage.
5. At the request of the Department the applicant provided a design that would allow aquatic organism passage.
6. The NH Fish & Game Department commented on the design.
7. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on October 22, 2008.
8. DES staff inspected the site during construction on November 13, 2008.
9. Review of the application submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization. The emergency authorization permitted field adjustment of the plans, by Sean Sweeney, PE, CWS, during construction to provide maximum aquatic passage. Field adjustments resulted in an additional 40 linear feet of stream bed impacts.

10. Construction was supervised by Sean Sweeney, PE.
11. The design did not involve the removal of the concrete apron and therefore the exact location of the crude oil pipelines was not determined as requested in the emergency authorization conditions.
12. Monitoring reports will assess the long-term stability of the channel and minimize the need for Emergency permits at the site.
13. The project design is an attempt to alleviate historic impacts to the stream channel that were created in 1951.
14. No comments in opposition to the proposed project have been recieved.
15. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the wetland resources, as identified under RSA 482-A:1.

**2008-02681**

**TAMWORTH, TOWN OF**

**TAMWORTH**

**Requested Action:**

Propose to replace existing 14' wide steel arch culvert with an 18 foot span, 3 sided, open bottom, pre-cast bridge structure. There will be 793 sq. ft. of temporary impacts and an associated 80 linear feet of a perennial stream and both banks (240 linear feet total) will be temporarily disturbed.

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**Conservation Commission/Staff Comments:**

Conservation Commission has reviewed the application and found it acceptable.

**APPROVE PERMIT:**

Replace existing 14' wide steel arch culvert with an 18 foot span, 3 sided, open bottom, pre-cast bridge structure. There will be 793 sq. ft. of temporary impacts and an associated 80 linear feet of a perennial stream and both banks (240 linear feet total) will be temporarily disturbed.

**With Conditions:**

1. All work shall be in accordance with Cleveland Hill Road Bridge plans by H.E. Bergeron Engineers, Inc. entitled: Erosion & Sediment Control Plan (sheet 4 of 13) revised March 05, 2009 as received by DES on March 17, 2009; Proposed Bridge Plan & Elevation (sheet 9 of 13) dated December 18, 2008 as received by DES on March 17, 2009; Existing- Features Plan & Profile Details (sheets 3 of 12) revised October 29, 2008, as received by DES on December 08, 2008; and Erosion and Sediment Control Details (sheets 8 of 12) revised October 29, 2008, as received by DES on December 08, 2008.
2. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans (if work is to be conducted in flowing water or during high flows). Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
3. Work shall be done during low flow (unless as approved through condition #2).
4. The Permittee shall monitor the weather and will not commence work within flowing water, including the installation of cofferdams, when rain is in the forecast.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
8. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse.
9. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during construction.
10. All equipment shall work from adjacent banks or uplands and shall not enter flowing water.
11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters.
12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.



13. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
15. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
16. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
17. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
18. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
19. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
20. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a Major Project per Administrative Rule Env-Wt 303.02(i) Projects that alter the course of or disturb 200 or more linear feet of an intermittent or perennial nontidal stream or river channel or its banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant obtained temporary construction easements from affected landowners outside of the existing road right-of-way and supplied copies of the recorded easements to DES Wetlands Bureau.
6. If stream flows are high during construction, temporary stream diversion measures will be installed to assure that water does not flow through unstabilized areas.
7. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the NH Natural Heritage Bureau. The Tamworth Conservation Commission reviewed the application and found it acceptable.
8. The new channel will match the slope and elevation of the existing channel. The original streambed material is under the existing culvert and new material will not be needed to restore the natural stream bottom.
9. This project does not require compensatory mitigation in accordance with Administrative Rule Env-Wt 302.03 (d) as all impacts are temporary.
10. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the riverine resource, as identified under RSA 482-A:1.

**2009-00076**

**IERARDI IRRVOC TRUST, RICHARD FOLSOM REVOC TRUST,**

**GILFORD Round Island**

Requested Action:

Replace an existing 4 ft x 40 seasonal pier with a 6 ft x 40 ft seasonal pier and repair an existing 4 ft x 28 ft crib pier with two 4 ft x 4 ft cribs in-kind on an average of 3,067 ft of frontage on Round Island, in Gilford.

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Conservation Commission/Staff Comments:

No Con Com comments by 03/16/09

APPROVE PERMIT:

Replace an existing 4 ft x 40 seasonal pier with a 6 ft x 40 ft seasonal pier and repair an existing 4 ft x 28 ft crib pier with two 4 ft x 4 ft cribs in-kind on an average of 3,067 ft of frontage on Round Island, in Gilford.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction as revised April 17, 2009, and received by DES on April 17, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. No work is authorized to any of the other docking structures on the frontage.
4. The repairs to the crib pier shall maintain the size, location and configuration of the pre-existing structure.
5. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
6. All construction related material and debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
8. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
9. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
10. Only rocks which were part of the preexisting cribs shall be used for repairs. No additional rocks shall be brought on site.
11. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This project is classified as a major project per Rule Env-Wt 303.02(d), modification of docking facilities providing 5 or more slips.
2. The applicant has an average of 3067 feet of frontage along Lake Winnepesaukee.
3. A maximum of 41 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
4. The docking facilities on the frontage provide approximately 18 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.
5. Public hearing is waived with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.

**MINOR IMPACT PROJECT**

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**2008-00499**

**HOFFMAN, STEPHEN**

**OSSIPEE Lake Ossipee**

Requested Action:

Deny reconsideration to replace 50 linear ft of rock retaining wall on 100 ft of frontage in Ossipee on Ossipee Lake.

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DENY RECONSIDERATION:

Deny reconsideration

With Findings:

1. RSA 482-A:10, II provides that a request for reconsideration of a department decision under RSA 482-A:3 shall be file with the department within 30 days of issuance of the department's decision. The request for reconsideration shall describe in detail each ground for the request for reconsideration.
2. The DES received a request for reconsideration which stated "This letter is a request for reconsideration of the permit for

replacment "In-Kind" of the exsting stonewall structure.

3. Env Wt 203.02 (c)(2) requires that a motion provide "A clear and concise statement of why the person believes the decision to be in error and how the person is adversely affected by the error(s)."
4. Env Wt 203.02(3) requires that motion provide " A clear and concise statement of the facts upon which the department is expected to rely in granting relief."
5. No grounds were provided in this motion.
6. No statement on why the person believed the decision to be in error was submitted.
7. The applicant enclosed a copy of the DES decision. They did not provide any independent statement as to the facts upon which the appellant wanted the DES to base its decision.

**2009-00149                      TILTON, MARY ANN**  
**SUGAR HILL   Unnamed Wetland**

Requested Action:

Dredge and fill 5,425 square feet within previously disturbed palustrine emergent/scrub shrub wetlands adjacent to an existing single family residence to maintain and improve a diversion/drainage ditch and to install a new subsurface drain adjacent to the house foundation to alleviate basement flooding.

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APPROVE PERMIT:

Dredge and fill 5,425 square feet within previously disturbed palustrine emergent/scrub shrub wetlands adjacent to an existing single family residence to maintain and improve a diversion/drainage ditch and to install a new subsurface drain adjacent to the house foundation to alleviate basement flooding.

With Conditions:

1. All work shall be in accordance with plans by Lobdell Associates, Inc., as received by DES on January 29, 2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Work shall be done during low flow or dry conditions.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This project is classified as a Minor Project per NH Administrative Rule Env-Wt 303.03(h), as wetland impacts are less than 20,000 square feet.
2. The need for the proposed impacts has been demonstrated by the applicant per Rule Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas

and environments under the department's jurisdiction per Rule Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Rule Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2009-00237                      MACKEY, RAYMOND**  
**ASHLAND   Tributary To Squam River**

**Requested Action:**

Replace an existing 72 ft of wooden retaining wall with 72 ft of boulder retaining wall in the same footprint on the Squam River, Ashland.

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**Conservation Commission/Staff Comments:**

No comments from Con Com by 04/17/09

**APPROVE PERMIT:**

Replace an existing 72 ft of wooden retaining wall with 72 ft of boulder retaining wall in the same footprint on the Squam River, Ashland.

**With Conditions:**

1. All work shall be in accordance with plans by SFC Engineering Partnership Inc dated January 30, 2009, as received by DES on February 09, 2009.
2. Work shall be done during drawdown.
3. Work shall be done during low flow.
4. All dredged or excavated material and construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. The replacement wall shall maintain the existing size, location, and configuration of the pre-existing wall.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. The retaining wall shall be constructed landward of the shoreline defined by the elevation of normal high water so as not to create land in public water.
8. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

**With Findings:**

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(j), repair or replacement of existing retaining walls that require work in the water, but result in no change in height, length, location, or configuration.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2009-00276                      HARRIS, RICHARD**  
**MEREDITH   Lake Wicwas**

**Requested Action:**

Impact 1350 sq ft along 50 linear ft of shoreline to reset rocks along 3 sections of shoreline measuring 15 linear ft, 25 linear ft, and 10 linear ft on property having an average of 1176 ft of frontage on Lake Wicwas.

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**APPROVE PERMIT:**

Impact 1350 sq ft along 50 linear ft of shoreline to reset rocks along 3 sections of shoreline measuring 15 linear ft, 25 linear ft, and 10 linear ft on property having an average of 1176 ft of frontage on Lake Wicwas.

**With Conditions:**

1. All work shall be in accordance with plans by Watermark Marine Construction dated January 14, 2009, as received by DES on February 17, 2009.
2. Only existing rocks which have been dislodge and fallen from the shoreline shall be used for repair. No additional rocks may be brought onto the frontage.
3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
4. Resetting of rocks shall maintain the existing location and contour of the shoreline.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. Work shall be done during drawdown or, if there is no drawdown, during low water conditions.
7. No vegetation shall be removed for the completion of this project.
8. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

**With Findings:**

1. This project is classified as a minor impact project per Rule Env-Wt 303.03 (k), project that impact between 50 and 200 linear ft of shoreline along a lake or pond.
2. No vegetation shall be removed by this project and, therefore, there shall be no impact to Osprey in the vicinity of the project.
3. Work shall be limited to drawdown or low water conditions and, therefore, should not coincide with nesting period of Common Loons or rearing of their chicks.

**MINIMUM IMPACT PROJECT**

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**2005-02163                      NEW DURHAM, TOWN OF  
NEW DURHAM   March Pond**

**Requested Action:**

Amend permit to include additional repair work identified as necessary according to Letter of Deficiency issued by the NH DES Dam Bureau resulting in a net increase of 7,617 sq. ft. of temporary and permanent impacts.

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**APPROVE AMENDMENT:**

2nd AMENDMENT: Perform necessary repairs and upgrades to March's Pond Dam as required by NHDES Dam Bureau Letter of Deficiency DAM #170.04 dated 5/30/2002, including the following:

1. Impact 652 sq. ft. of Haynes Brook to replace existing 3' x 2' x 25' box culvert with a 4' x 4' x 25' box culvert under Birch Hill Rd.;
2. Impact 545 sq. ft. (414 sq. ft. temporary and 131 sq. ft. permanent) of Haynes Brook to replace in-kind an existing 30" x 28' culvert under Birch Hill Rd.;
3. Impact 525 sq. ft. (475 sq. ft. temporary and 50 sq. ft. permanent) of Haynes Brook to replace existing caved-in 30" x 50' corrugated metal culvert with a 30" x 50' concrete culvert under Birch Hill Rd. between March's Pond and Chalk Pond;
4. Eliminate emergency spillway in access road and regrade associated banks along Chalk Pond impacting 5,049 sq. ft. (3,977 sq. ft. temporary and 1,072 sq. ft. permanent);
5. Remove undersized, deteriorated spillway in March's Pond Dam and install an appropriately upgraded 12' x 60' concrete gated spillway impacting 3,457 sq. ft. (1,330 sq. ft. temporary and 2,127 sq. ft. permanent);

6. Fill a total of 30,874 sq. ft. (6,070 sq. ft. temporary and 24,804 sq. ft. permanent) over 6 locations for refurbishment of dam berm;
7. Install approximately 1,200 linear ft. (9,829 sq. ft.) of rip rap to reinforce existing concrete wall of dam.

With Conditions:

1. 2nd AMENDMENT: All work shall be in accordance with revised plans by CMA Engineers dated January 2009, as received by the Department on February 2, 2009.
2. This permit is contingent on receipt from the applicant by the DES Wetlands Bureau, of a set of the full-sized of final design plans as approval by the DES Dam Safety Program.
3. This permit is contingent on approval by the DES Alteration of Terrain Program.
4. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
5. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
6. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
10. This permit is contingent upon receipt and DES approval of stream diversion/ dewatering plan for work at crossing locations which involve perennial streams.
11. Unconfined work within the waterbody, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
12. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
13. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
14. Temporary cofferdams shall be entirely removed immediately following construction.
15. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
16. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
17. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
18. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
19. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
20. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
21. Silt fencing must be removed once the area is stabilized.
22. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
23. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
24. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.

25. Faulty equipment shall be repaired prior to entering jurisdictional areas.
26. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
27. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x), maintenance or repair of an existing non-docking structure such as a dam. The proposed work represents application of present-day technologies to properly repair the dam in accordance with DES Dam Bureau Letter of Deficiency DAM #170.04, and will be located within the existing footprint of the dam and its associated structures, and as such, do not represent new environmental impacts that exceed the intent of the minimum impact repair Rule.
2. The amended square footage represents minor impact for necessary design changes to address the DES Dam Bureau design requirements for a High Hazard classification dam, and does not change the overall category of the project.
3. The request to amend this permit represents a 18.9% change to the permitted impact amount, and thus does not represent a significant amendment as described in RSA 482-A:3, XIV (e).

**2006-02928                      SIEMNON REVOC TRUST, CARL**  
**WAKEFIELD   Unnamed Wetland**

Requested Action:

Approve after-the fact to retain 300 sq. ft. of temporary impact in wetlands for the installation of a sewer pressure line and to retain 2 sq. ft. in wetlands for concrete posts for an addition to an existing dwelling. Dredge and fill 30 sq. ft. in wetlands to construct a swale.

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APPROVE AFTER THE FACT:

Approve after-the fact to retain 300 sq. ft. of temporary impact in wetlands for the installation of a sewer pressure line and to retain 2 sq. ft. in wetlands for concrete posts for an addition to an existing dwelling. Dredge and fill 30 sq. ft. in wetlands to construct a swale.

With Conditions:

1. All work shall be in accordance with revised plans by Norway Plains Associates, Inc. dated January 2009, as received by the Department on February 2, 2009.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
3. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
4. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum project pursuant to Administrative Rule Env-Wt 303.04(f), projects involving alteration of less than 3,000 sq. ft. of wetland.
2. The need for the proposed impacts has been demonstrated by the applicant per Administrative Rule Env-Wt 302.01.
3. The applicant installed a new subsurface disposal system (DES CA# 2002040003) for this property unaware that wetlands were impacted during installation of the sewer pressure line.
4. Construction of the swale will aid in directing water away from the existing septic tank.

**2008-01063                      SUNRISE LAKE VILLAGE DISTRICT, JOE CURTIN**  
**MIDDLETON   Sunset Lake**

**Requested Action:**

Amend permit to include additional repair work identified as necessary according to Letter of Deficiency issued by the NH DES Dam Bureau including a total of 1,924 sq. ft. of permanent impacts for the embankments associated with the concrete cut cutoff walls; a total of 919 sq. ft. of permanent impacts to the spillway streambed and bank for erosion repair; temporary impacts of 314 sq. ft. within the spillway streambed for the removal of a sediment deposit near the spillway; and an additional 2,796 sq. ft. of temporary impacts for construction access.

\*\*\*\*\*

Inspection Date: 08/03/2007 by Dori A Wiggin

**APPROVE AMENDMENT:**

Repair within existing dam footprint a total of 317 linear ft. of Sunrise Lake dam by installing concrete cutoff walls and associated embankments with footings and toe drains on downstream side; conduct recontouring to repair earthen berm; a total of 919 sq. ft. of permanent impacts to the spillway streambed and bank for erosion repair; temporary impacts of 314 sq. ft. within the spillway streambed for the removal of a sediment deposit near the spillway; install temporary coffer dams; temporary access gravel and geotextile placed adjacent to dam in dry lake bed during drawdown for equipment access; total area of permanent impact is 2,403 sq. ft.; total area of permanent spillway stream bed and bank impact is 919 sq. ft.; and total temporary impact is 15,217 sq. ft.

**With Conditions:**

1. AMENDED: All work shall be in accordance with revised plans by NHDES Dam Bureau Maintenance Section dated 1/14/2009, received by DES Wetlands Bureau on 1/20/2009.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Silt fencing must be removed once the area is stabilized.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
7. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
8. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
9. Temporary cofferdams and temporary access impacts shall be entirely removed immediately following construction and appropriately restored.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
11. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
13. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
14. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.



15. Work shall be done during drawdown.
16. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
17. Faulty equipment shall be repaired prior to entering jurisdictional areas.
18. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
19. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

Original findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x), maintenance or repair of an existing non-docking structure such as a dam. The addition of the cutoff walls and toe drains represent present-day technology to properly repair the dam, and will be located within the existing footprint of the dam, and as such, do not represent new environmental impacts that exceed the intent of the minimum impact repair Rule.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The earthen berm of this high hazard dam is currently leaking in certain locations, and is required to be repaired in response to a Letter of Deficiency issued by the NH DES Dam Bureau.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The permanent work to repair the dam is within the same footprint at the original dam footprint. Temporary access and coffer dam impacts will be removed and restored upon completion of the project.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported by the NH Heritage Bureau for the project vicinity.
5. The Middleton Conservation Commission did not report.
6. Additional finding: the amendment represents minimal change to the impacts originally approved, and do not change the project category.

**2008-01251                      PROCOPIO, KEVIN & MARY**  
**TILTON   Unnamed Wetland**

Requested Action:

Deny permit request to fill 760 square feet of wetland for lot development.

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DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny permit request to fill 760 square feet of wetland for lot development.

With Findings:

1. A request for additional information dated September 19, 2008, addressed to the applicant and copied to the agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. The applicant requested a time extension by mutual agreement, in accordance with RSA 482-A:3, XIV(c)(3), which was executed on January 14, 2009, extending the timeframe to April 1, 2009.
3. Pursuant to RSA 482-A:3, XIV(b), if the requested additional information is not received by DES within 120 days of the request or within the agreed upon timeframe, DES shall deny the application.
4. DES did not receive the requested additional information within the 120 days or the agreed upon extended timeframe and therefore the application has been denied.

**2008-01940                      MIRA LAFAYETTE VENTURES LLC**  
**PORTSMOUTH   Unnamed Wetland**

Requested Action:

Dredge and fill 2,335 sq. ft. of wetlands for driveway/loading area access associated with construction of a commercial convenience store.

Waive Administrative Rule Env-Wt 304.04, Setback to Property Lines, pursuant the requirements of Part Env-Wt 204, Waivers.

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APPROVE PERMIT:

Dredge and fill 2,335 sq. ft. of wetlands for driveway/loading area access associated with construction of a commercial convenience store.

Waive Administrative Rule Env-Wt 304.04, Setback to Property Lines, pursuant the requirements of Part Env-Wt 204, Waivers.

With Conditions:

1. All work shall be in accordance with plans by MHF Design Consultants Inc. dated 7/3/2008, as received by DES on 9/12/2008.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
7. Failure of the drainage system to function as designed and represented to protect the abutter from any drainage increases shall be the responsibility of the permittee to correct, and subject to enforcement by DES.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 sq. ft. of swamps or wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The impact is necessary in order to provide driveway and loading access to a commercial structure on an otherwise developable upland lot.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The applicant was previously permitted 2,337 sq. ft. of wetland impact in the same wetland in a slightly different position, under permit 2004-2196. Permit 2004-2196 was never used and is relinquished as a result of this action. The applicant is re-permitting the project on an adjoining lot with no net increase in wetland impact over that previously permitted.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported by the NH Natural Heritage Bureau as occurring in the project vicinity.
5. The Portsmouth Conservation Commission ("PCC") recommends denial of the project on the grounds that they believe that the wetland was impacted as a result of the construction of the car wash (in the uplands) originally; that the applicant did not do an adequate job with an alternatives analysis; and that the applicant did not adequately characterize the role of the wetland as hydrologically connected to Berry's Brook wetland system.
6. In response to the PCC's comments, DES finds the following:
  - a. that there is no evidence provided by the PCC as to the impact to the wetlands as a result of the construction of the car wash in the uplands; b. that the site is located along a highly developed commercial corridor, and has confined the wetlands impact to the least valuable edge of the wetland;
  - c. that impact to the wetland at this location was previously permitted in this location in part based on the finding that the wetland was isolated, bordered by two streets and other commercial development;
  - d. review of the current plans find that the wetland is delineated as a wetland separate from the larger Berry's Brook wetland system.

7. Review of the applicant's request to waive rule Env-Wt 304.04, Setback From Property Lines, pursuant to the criteria of Part Env-Wt 204, Waivers, finds that the requirements specified in Env-Wt 204.04, Criteria, have been met, specifically:
  - a. a private road, owned by the abutter, runs along the property line, and will be protected from drainage changes by the applicant's closed drainage system, providing detention and treatment of urban stormwater on-site where none currently exists. The applicant has provided drainage calculations to support that peak runoff at the closest point between properties has been reduced below pre-development conditions, as a result of the project engineering. The applicant has therefore demonstrated that granting the request will not result in adverse environmental, public health or safety impact, or that granting the waiver will impact the abutting property more significantly than that resulting from compliance with the rule, pursuant to Env-Wt 204.04(a)(1)(a) and (b), respectively.
  - b. Based on the stormwater improvements to the site, the applicant has demonstrated that the proposal provides protection to the abutting property consistent with, and exceeding that provided by strict compliance with the the rule being waived, and therefore satisfies the conditions required pursuant to Env-Wt 204.04(a)(2)(a)-(b);
  - c. DES finds that granting of this waiver does not waive or modify a statutory requirement.
8. As an additional measure, DES has conditioned the permit to require that the applicant be responsible for correcting any failure of the function of the drainage system to protect the abutter as represneted.

**2008-02678                      WEEKS, JOHN**  
**MADISON    Unnamed Wetland**

Requested Action:

Propose to fill 1,056 square feet of wetlands and 28 linear feet of an associated intermittent stream for the construction of an access road to a single family building lot. Work in wetlands consists of one wetlands crossing including an intermittent stream crossing with a 24" culvert and associated filling and grading.

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Conservation Commission/Staff Comments:

Board of Commissioners is concerned. Letter in file recieved 19 December 2008.

APPROVE PERMIT:

Fill 1,056 square feet of wetlands and 28 linear feet of an associated intermittent stream for the construction of an access road to a single family building lot. Work in wetlands consists of one wetlands crossing including an intermittent stream crossing with two 15"x25" elliptical culverts and associated filling and grading.

With Conditions:

1. All work shall be in accordance with plans by Thaddeus Thorne Surveys Inc. revised March 20, 2009, as received by DES on March 23, 2009.
2. Work shall be done during periods of low flow.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Culverts and associated natural embedding material shall be set at (match) original stream grade.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

12. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
14. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
15. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a minimum impact project per 303.04(z) Installation of a culvert or bridge and associated fill to permit vehicular access to a piece of property for a single family building lot or for noncommercial recreational uses.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. Project revisions increased the culvert size from a single 24" round culvert to two 15"x25" elliptical culverts.
6. The applicant provided a response to concerns by the Board of Commissioners indicating areas on the lot where the wetland can spread out without impacting abutters and by showing that the natural flow and storm run-off would remain on the lot rather than Grandval Way.
7. Surface flow to be dispersed into adjacent vegetation for treatment prior to flowing into intermittent stream.
8. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.

**2009-00186                      DIPIETRO, FRANK & KAREN**  
**FREEDOM   Unnamed Wetland**

Requested Action:

Dredge and fill 2,394 sq. ft. of wetlands to install a 15" x 12' culvert for construction of a driveway crossing to a single family house lot.

\*\*\*\*\*

APPROVE PERMIT:

Dredge and fill 2,394 sq. ft. of wetlands to install a 15" x 12' culvert for construction of a driveway crossing to a single family house lot.

With Conditions:

1. All work shall be in accordance with plans by White Mountain Survey dated 1/28/2009, as received by the Department on 2/08/2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
6. Silt fencing must be removed once the area is stabilized.
7. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Work shall be done during low flow.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z), installation of a culvert and associated fill for access to a single family lot.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The applicant must cross wetlands to reach the buildable portion of the lot.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported for the project area by the NH Natural Heritage Bureau.
5. The Freedom Conservation Commission did not report.

**2009-00226                      PORTLAND PIPE LINE CORPORATION**  
**LANCASTER   Tributary To Isral River**

**Requested Action:**

Propose to impact a total of 400 sq. ft. of wetlands to protect an exposed crude oil pipe line. Permanent wetland impacts consist of installing a 20' by 8' (160 sq. ft.) articulating concrete revetment mat in 160 sq. ft. of wetlands and 8 linear feet of the associated intermittent stream and both banks (24 linear feet total). Temporary wetland impacts (240 sq. ft.) consist of stockpiling hydric soils that will be replaced over the concrete revetment mat. Temporarily impacted wetlands will be restored to original conditions.

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**APPROVE PERMIT:**

Impact a total of 400 sq. ft. of wetlands to protect an exposed crude oil pipe line. Permanent wetland impacts consist of installing a 20' by 8' (160 sq. ft.) articulating concrete revetment mat in 160 sq. ft. of wetlands and 8 linear feet of the associated intermittent stream and both banks (24 linear feet total). Temporary wetland impacts (240 sq. ft.) consist of stockpiling hydric soils that will be replaced over the concrete revetment mat. Temporarily impacted wetlands will be restored to original conditions.

**With Conditions:**

1. All work shall be in accordance with plans by Lobdell Associates Inc., as received by the Department on 02/06/09.
2. Work shall be done during periods of low or non-flow.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
5. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
8. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
9. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
10. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
11. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

**With Findings:**

1. This is a Minimum Impact Project per 303.04(o) Projects deemed minimum impact by the department based on the degree of environmental impact.

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program, or the Lancaster Conservation Commission. The Natural Heritage Bureau commented that the northern hardwood-black ash conifer community is far enough from the proposed work that it should not be impacted as long as BMP for sediment and erosion control are used.

## FORESTRY NOTIFICATION

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**2009-00611                      ROWELL, ROBERT**  
**MOULTONBOROUGH   Unnamed Stream**

COMPLETE NOTIFICATION:  
Moultonboro Tax Map 103, Lot# 20

**2009-00638                      NH FISH & GAME DEPARTMENT**  
**ALTON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Alton Tax Map 9, Lot# 95

## EXPEDITED MINIMUM

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**2009-00052                      BELMONT, TOWN OF**  
**BELMONT   Unnamed Stream**

Requested Action:  
Dredge and fill 10 linear feet within the bank of unnamed perennial stream for installation of a stormwater culvert outlet.  
\*\*\*\*\*

DENY PERMIT:  
Deny permit request to dredge and fill 10 linear feet within the bank of unnamed perennial stream for installation of a stormwater culvert outlet.

With Findings:

1. A request for additional information dated February 10, 2009, addressed to the applicant, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A:3, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

**2009-00441 PSNH  
PORTSMOUTH Unnamed Wetland**

**Requested Action:**

Temporarily impact 5,740 sq. ft. of wetlands to install access mats, and install 8 replacement utility poles; permanently impact a total of 776 sq. ft. of wetlands to construct two grass paver access driveways at right-of-way.

\*\*\*\*\*

**APPROVE PERMIT:**

Temporarily impact 5,740 sq. ft. of wetlands to install access mats, and install 8 replacement utility poles; permanently impact a total of 776 sq. ft. of wetlands to construct two grass paver access driveways at right-of-way.

**With Conditions:**

1. All work shall be in accordance with plans by Appledore Engineering dated 2/27/2009, as received by DES on 3/16/2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
6. Faulty equipment shall be repaired prior to entering jurisdictional areas.
7. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
8. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
9. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.

**With Findings:**

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(af), temporary impacts associated with maintenance of utility lines, and per Env-Wt 303.04(f), projects involving less than 3,000 sq. ft. of impact to swamps or wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The access drives represent minimal permanent impacts; the swamp mats are temporary impacts that will be restored.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported by the NH Natural Heritage Bureau for the project vicinity.
5. The Portsmouth Conservation Commission signed the expedited application.

**GOLD DREDGE**

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**2009-00607 SWETT, DIANNE  
(ALL TOWNS) Unnamed Stream**

Conservation Commission/Staff Comments:

cc: Bath ConCom

**2009-00608                      LABONTE, STEPHEN**  
**(ALL TOWNS)   Unnamed Stream**

Conservation Commission/Staff Comments:

cc: Bath ConCom

**2009-00609                      BORELLI, ROBERT**  
**(ALL TOWNS)   Unnamed Stream**

Conservation Commission/Staff Comments:

cc: Bath ConCom

**2009-00641                      GILCHRIST III, RICHARD**  
**(ALL TOWNS)   Unnamed Stream**

Conservation Commission/Staff Comments:

cc: Bath ConCom

**2009-00642                      SABANOSH, WILLIAM**  
**(ALL TOWNS)   Unnamed Stream**

Conservation Commission/Staff Comments:

cc: Bath ConCom

## LAKES-SEASONAL DOCK NOTIF

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**2009-00640                      VYNORIUS, WAYNE & MARYLOU**  
**FREEDOM   Ossipee Lake**

COMPLETE NOTIFICATION:

Freedom Tax Map 38, Lot# 5 Ossipee Lake

**2009-00643                      IMMELT, STEVEN/SUSAN**  
**NEW LONDON   Lake Sunapee**

COMPLETE NOTIFICATION:

New London Tax Map 80, Lot# 3 Lake Sunapee

**2009-00645                      MARSH, PAUL**  
**WAKEFIELD   Lovell Lake**



COMPLETE NOTIFICATION:

Wakefield Tax Map 201, Lot# 2

**2009-00648                      RIVERA, THEODORE**  
**SPRINGFIELD   Unnamed Pond Dutchman Pond**

COMPLETE NOTIFICATION:

Springfield Tax Map 12, Lot# 450,082 Dutchman Pond

**2009-00656                      YEATON, JOYCE**  
**DEERFIELD   Northwood Lake**

COMPLETE NOTIFICATION:

Deerfield Tax Map 201, Lot# 12 Northwood Lake

**2009-00659                      RAYNOR, BEVERLY**  
**NELSON   Granite Lake**

COMPLETE NOTIFICATION:

Nelson Tax Map 109, Lot# 2 Granite Lake

**ROADWAY MAINTENANCE NOTIF**

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**2009-00610                      ACWORTH, TOWN OF**  
**ACWORTH   Unnamed Wetland**

COMPLETE NOTIFICATION:

Replace a failed 24" x 30' culvert

**CSPA PERMIT**

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**2008-01834                      BROWN, GREGORY**  
**HILLSBOROUGH   Contoocook River**

Requested Action:

Impact 2,360 sq ft for the purpose of removing a boiler house and constructing a gravel parking areas.

\*\*\*\*\*

Conservation Commission/Staff Comments:

1/12/09

Received a request for time extension on 1/8/09. Response time has been extended by 120 days from deadline of last more info request. -TG

**APPROVE PERMIT:**

Impact 2,360 sq ft for the purpose of removing a boiler house and constructing a gravel parking areas.

**With Conditions:**

1. All work shall be in accordance with plans by Gregory Brown dated March 30, 2009 and received by the Department of Environmental Services ("DES") on April 2, 2009.
2. All proposed impacts within wetlands, sluice ways, surface waters, and their banks shall require a Wetland Permit under RSA 482-A.
3. The permittee shall coordinate with the NH Division of Historic Resources to assess and mitigate the project's effect on historic resources.
4. There shall be no net increase of impervious surfaces associated with the completion of the proposed project.
5. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-00089                      NUTAUTAS-PATUPAITE, AIDA  
RAYMOND   Onway Lake**

**Requested Action:**

Retain and relocate 80 sq ft shed from 15' from lake to 36.7' from lake.

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**APPROVE PERMIT:**

Retain and relocate 80 sq ft shed from 15' from lake to 36.7' from lake.

**With Conditions:**

1. All work shall be in accordance with plans by Roscoe T. Blaisdell dated December 9, 2008, and received by the Department of Environmental Services ("DES") on April 3, 2009.
2. There shall be no increase in impervious surface area on this lot unless additional approval is obtained from DES.
3. There shall be no expansion to any structures or any further alteration of structures unless additional approval is obtained from DES.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-00387                      SKEIST, HELEN**  
**CANAAN    Goose Pond**

Requested Action:

Impact 2482 sq ft for the purpose of removing an existing single-family dwelling and shed and constructing a two-story single-family dwelling with an attached garage.

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APPROVE PERMIT:

Impact 2482 sq ft for the purpose of removing an existing single-family dwelling and shed and constructing a two-story single-family dwelling with an attached garage.

With Conditions:

1. All work shall be in accordance with plans by Helen Skeist dated April 1, 2009 and received by the Department of Environmental Services ("DES") on April 2, 2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No more than 13.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
8. The project as proposed will leave approximately 1100 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 425 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-00389                      MILLER, GORDON**  
**ORFORD    Upper Baker Pond**

Requested Action:

Impact 172 sq ft for the purpose of installing a DES Subsurface Systems approved holding tank.

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APPROVE PERMIT:

Impact 172 sq ft for the purpose of installing a DES Subsurface Systems approved holding tank.

With Conditions:

1. All work shall be in accordance with plans by Mountain Mapping dated February 2009 and received by the Department of Environmental Services ("DES") on March 9, 2009.
2. All actions associated with the installation of the proposed holding tank are contingent on approval by the DES Subsurface Systems Bureau.

3. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. No more than 18% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
8. The project as proposed will leave approximately 548 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 548 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-00390                      MILLER, GORDON**  
**ORFORD   Upper Baker Pond**

**Requested Action:**

Impact 2921 sq ft for the purpose of rebuilding a single-family dwelling destroyed by fire on the existing footprint and installing a holding tank approved by DES Subsurface Systems Bureau.

\*\*\*\*\*

**APPROVE PERMIT:**

Impact 2921 sq ft for the purpose of rebuilding a single-family dwelling destroyed by fire on the existing footprint and installing a holding tank approved by DES Subsurface Systems Bureau.

**With Conditions:**

1. All work shall be in accordance with plans by Mountain Mapping dated February 2009 and received by the Department of Environmental Services ("DES") on March 9, 2009.
2. All actions associated with the installation of the proposed holding tank are contingent on approval by the DES Subsurface Systems Bureau.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No more than 36% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
8. The project as proposed will leave approximately 952 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 952 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or

contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-00394                      ATHERLEY, RICHARD**  
**GRANTHAM   Anderson Pond**

Requested Action:

Impact 4,280 sq ft for the purpose of constructing an addition and garage onto an existing 2 bedroom single-family dwelling.

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APPROVE PERMIT:

Impact 4,280 sq ft for the purpose of constructing an addition and garage onto an existing 2 bedroom single-family dwelling.

With Conditions:

1. All work shall be in accordance with plans by db Landscaping LLC dated February 23, 2009 and received by the Department of Environmental Services ("DES") on March 9, 2009.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No more than 7.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
8. The project as proposed will leave approximately 17,008 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 12,152 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-00417                      NORTH COUNTRY LODGE, JULIA KUNCIO**  
**PITTSBURG   Back Lake**

Requested Action:

Impact 896 sq ft for the purpose of constructing a garage and driveway.

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APPROVE PERMIT:

Impact 896 sq ft for the purpose of constructing a garage and driveway.

With Conditions:

1. All work shall be in accordance with plans by Brian Boudreau revised April 1, 2009 and received by the Department of Environmental Services ("DES") on April 6, 2009.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.

3. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No more than 19.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-00464                      PARKER, ERIK**  
**MEREDITH   Randlett Pond**

Requested Action:

Impact 7,580 sq ft for the purpose of removing an existing non-conforming primary structure, relocating an exiting driveway and constructing a conforming single-family dwelling with a deck and state approved septic system.

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APPROVE PERMIT:

Impact 7,580 sq ft for the purpose of removing an existing non-conforming primary structure, relocating an exiting driveway and constructing a conforming single-family dwelling with a deck and state approved septic system.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates dated March 4, 2009 and received by the Department of Environmental Services ("DES") on March 18, 2009.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No more than 18.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
8. The project as proposed will leave approximately 2,905 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,776.25 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. The applicant or their designated agent hereby requested a wavier of Env-Wq 1405.03 (b)(1), Limitations on Accessory Structures, under Env-Wq 1413.04, Criteria.
2. The project proposes the removal of a non-conforming primary structure and the relocation and reduction of a non-conforming accessory structure.
3. The proposed post-construction conditions will remove the existing driveway from the accessory structure setback and reduce its size from 485 sq ft to 425 sq ft.
4. Granting the request is consistent with the intent and purpose of the rule being waived as the post construction conditions are "more nearly" conforming to the minimum standards.

**2009-00555**

**NELSON FAMILY REVOC REAL ESTATE TRUST, JOEL & JOYC**

**WOLFEBORO Crescent Lake**

Requested Action:

Impact 1690 sq ft for the purpose of removing the foundation of a structure that was destroyed by fire, and constructing a 174 sq ft gazebo and a 6' wide path to the waterfront.

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APPROVE PERMIT:

Impact 1690 sq ft for the purpose of removing the foundation of a structure that was destroyed by fire, and constructing a 174 sq ft gazebo and a 6' wide path to the waterfront.

With Conditions:

1. All work shall be in accordance with plans by Land Technical Service Corporation dated March 2009 and received by the Department of Environmental Services ("DES") on April 2, 2009.
2. All proposed impacts within wetlands, surface waters, and their banks shall require a Wetland Permit under RSA 482-A.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No more than 5.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
8. The project as proposed will leave approximately 10,139 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 9,737 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**CSPA PERMIT W/VARIANCE**

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**2009-00165                      SURRY MOUNTAIN FORESTS LLC, KATHRYN M MILLER VP**  
**SURRY   Ashuelot River**

Requested Action:

Impact 8,584 for the purpose of constructing a driveway and replacement bridge on NH Rte 12A.

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APPROVE PERMIT:

Impact 8,584 for the purpose of constructing a driveway and replacement bridge on NH Rte 12A.

VARIANCE APPROVED: RSA 483-B:9 V, (a),2,(C) is varied to allow the removal of ground cover for the widening of the driveway and bridge.

With Conditions:

1. All work shall be in accordance with plans by DuBois and King, Inc. dated December 2008 and received by the Department of Environmental Services ("DES") on January 30, 2009.
2. This variance shall not be effective until it has been recorded at the appropriate county registry of deeds office by the Permittee. A copy of the recorded approval shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. Any native trees or ground cover within the waterfront buffer that are to be removed during the construction of the proposed bridge shall be replaced on completion of the proposed project.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
5. All proposed impacts within wetlands, surface waters, and their banks shall require a Wetland Permit under RSA 482-A.
6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No more than 0.50% of the area of lot 26 and no more than 0.50% of the area of lot 16 within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
10. The project as proposed will leave approximately 296,977 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state on lot 26 and 1,008,331 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state on lot 16. At least 149,684 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state on lot 26 and at least 509,184 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state on lot 16 in order to comply with RSA 483-B:9, V, (b), (2) a.
11. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
12. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
13. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. The applicant or their designated agent hereby requests a variance of RSA 483-B:9 V, (a)2(c) for the purposes of replacing a bridge/driveway that "washed-out" in 2005 from the one side of the applicants property accross the Ashuelot River to NH 12A.
2. The literal enforcement of the standards would result in an unnecessary hardship as the property is "landlocked" and the bridge is the only access to the property.
3. Granting the variance will not result in the diminution in value of surrounding properties as the proposed bridge will be designed to fit into the region and with only a slight increase in footprint over the previous bridge that is needed to withstand possible "washouts".
4. Granting the variance would not be contrary to the spirit of RSA 483-B as the trees and ground cover that are to be removed during the construction of the proposed bridge will be replaced on completion of the proposed project.



5. Granting the variance would not be contrary to the public interest as there will be minimal infringement on the waterfront buffer and the native vegetation removed for the proposed project will be replaced once the project is complete.
6. Granting the variance would do substantial justice as the bridge is the only point-of-access to the property and and the native vegetation removed for the proposed project will be replaced once construction is complete.